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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY:

DEPUTY

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

JOWELL FINLEY,  
CDCR #E-06421,

Plaintiff,

vs.

DOMINGO URIBE, Jr., et al.;

Defendants.

Civil No. 11cv0412 BEN (NLS)

**ORDER DIRECTING PLAINTIFF  
TO FILE A COMPLAINT OR CASE  
WILL BE DISMISSED**

On October 18, 2010, Plaintiff filed a document entitled "Petitioner Seeks Order of Protection from Prison Officials who has Endangered his Life" in the Northern District of California. [ECF No. 1]. Plaintiff was ordered to by District Judge Jeremy Fogel to file a Complaint within thirty (30) days or face dismissal of his action. On February 17, 2011, District Judge Fogel found that transfer of the action to the Southern District of California was appropriate in light of the fact that Plaintiff is currently housed at Centinela State Prison. See Feb. 17, 2011 Order at 1. However, Plaintiff has failed to comply with the Court's initial Order to file a Complaint.

Here, Plaintiff's letter fails to provide enough factual allegations required for the Court to properly conduct a sua sponte screening pursuant to 28 U.S.C. § 1915(e)(2) & 1915A.

1 Plaintiff also captions this letter apparently as an action against "Domingo Uribe, Jr., et al.," but  
 2 fails to identify any of the other named Defendants. To bring a civil rights action, Plaintiff must  
 3 provide sufficient facts as required by 42 U.S.C. § 1983.

4 Section 1983 imposes two essential proof requirements upon a claimant: (1) that a person  
 5 acting under color of state law committed the conduct at issue, and (2) that the conduct deprived  
 6 the claimant of some right, privilege, or immunity protected by the Constitution or laws of the  
 7 United States. *See* 42 U.S.C. § 1983; *Nelson v. Campbell*, 541 U.S. 637, 124 S.Ct. 2117, 2122  
 8 (2004); *Haygood v. Younger*, 769 F.2d 1350, 1354 (9th Cir. 1985) (en banc).

9 In addition, Plaintiff must file a complaint that complies with Federal Rules of Civil  
 10 Procedure 8. Specifically, Rule 8 provides that in order to state a claim for relief in a pleading  
 11 it must contain "a short and plain statement of the grounds for the court's jurisdiction" and "a  
 12 short and plain statement of the claim showing that the pleader is entitled to relief."  
 13 FED.R.CIV.P. 8(a)(1) & (2). He is further cautioned that he must also comply with Local Rule  
 14 8.2 which provides, in part, that prisoners must use the Court's form complaints and any  
 15 additional pages are "not to exceed fifteen (15) in number." S.D. CIVLR 8.2.

# I.

## CONCLUSION AND ORDER

18 Good cause appearing, **IT IS HEREBY ORDERED** that:

19 Plaintiff has thirty (30) days from the date this Order is filed to file a complaint that  
 20 complies with FED.R.CIV.P. 8 and S.D. CIVLR 8.2. The Clerk of Court is directed to mail a court  
 21 approved form § 1983 complaint to Plaintiff. If Plaintiff fails to file a complaint within thirty  
 22 (30) days, the Court will dismiss this action without prejudice for failing to comply with a Court  
 23 Order.

24 **IT IS SO ORDERED.**

25 DATED: 3/28/2011

  
 26 **HON. ROGER T. BENITEZ**  
 27 United States District Judge  
 28